

**JOE WARDY**  
MAYOR



**CITY COUNCIL**

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING, JR.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN F. COOK**  
DISTRICT NO. 4

**DANIEL S. POWER**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY W. COBOS**  
DISTRICT NO. 8

**REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
MARCH 30, 2004  
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Vivian Rojas and Anthony W. Cobos. Late arrival: Paul J. Escobar arrived at 9:33 a.m. Early Departure: Daniel S. Power left at 1:57 p.m., Representative Cushing left at 3:09 p.m., and Representative Austin left at 3:59 p.m. Absent: None. Meeting was called to order at 9:05 a.m. and the invocation was given by Reverend Billy R. Williams, followed by the Pledge of Allegiance to the Flag of the United States of America.

.....  
Motion made, seconded and unanimously carried to move into executive session of the regular agenda the discussion and action regarding the City's do nothing attitude toward the widespread corruption and abuse at the Police Department and the three Courts of Inquiry now pending.  
[Theresa Caballero, Stuart Leeds, Hollebeke Family]

Ms. Theresa Caballero, attorney, gave background history pertaining to the case and questioned what actions the City Council would take. She notified the Council Members that they had been placed "on notice" regarding allegations of police cover up and brutality and read from the El Paso Municipal Police Officer Association's "Silverbadge" newspaper. She answered questions from and responded to comments made by the Council Members. She also provided documents for the record (on file in the City Clerk's Office).

Mr. Stuart Leeds, attorney, commented on the El Paso Municipal Police Officer Association's "Silverbadge" newspaper.

Mr. Edward Hernandez, attorney, made comments regarding the Courts of Inquiry, the Police Department's Public Integrity Unit, the Luna case and clarified comments he had made at a previous City Council meeting. He answered questions from and responded to comments made by the Council Members.

Mayor Joe Wardy requested that further discussion on the matter take place in Executive Session.

Representatives Power, Cushing, Cobos, and Austin made comments. Representative Austin moved to discuss the item further in Executive Session.

Ms. Lisa A. Elizondo, City Attorney, provided legal advice.

No action was taken on the discussion and action regarding the City's do nothing attitude toward the widespread corruption and abuse at the Police Department and the three Courts of Inquiry now pending.  
[Theresa Caballero, Stuart Leeds, Hollebeke Family]

.....

## MAYOR'S PROCLAMATIONS

1. ***UTEP Heritage Month***
2. ***Month of the Child***
3. ***Youth Alcohol Awareness Month***
4. ***Niños de Chalco Day***

.....  
Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Representative Austin was not present for the vote.

.....  
\*Motion made, seconded and unanimously carried to approve the minutes for the two Special City Council Meetings of March 22, 2004 (Building Permits and Inspections and City Manager); and Regular City Council Meeting of March 23, 2004.  
.....

### **\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following grant application on behalf of the Arts and Culture Department, for submission to the National Endowment for the Arts (NEA) and to sign the related contracts and documents should funds be granted, either in the requested amounts or at such lesser amounts as may be approved by the NEA. This grant will be used for the FY 2005 Discovery Dance Series February 4<sup>th</sup> to 19<sup>th</sup> 2005. The grant request is as follows:

1. To request and receive \$20,000 towards artistic fees for the 2005 Discovery Dance Series February 4<sup>th</sup> to 19<sup>th</sup> for FY 2005. No new matching funds are required.

### **\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this condemnation lien:

	<u>Lien Amount</u>	<u>Interest</u>	<u>Total Paid</u>
5406 Joe Herrera Drive	\$3,966.77	\$165.38	\$4,132.15

### **\*RESOLUTION**

**WHEREAS**, on February 3, 2004, the City Council of the City of El Paso resolved to hold a public hearing to determine if the property located at 10301 Dyer Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished, and

**WHEREAS**, the City Council has now been informed that there were omissions in the notification process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council hereby rescinds its action of February 3, 2004, resolving the following:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structures are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structures cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the structures be removed or demolished within (30) days; and
  - b. That the premises be secured and cleaned of all weeds, trash and debris within (30) days and the property be maintained clean and secure; and
  - c. That the Owner of said structures is hereby ordered to comply with all requirements of the Resolution; and
  - d. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the structures and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the structures and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the structures and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with demolishing the structures and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the structures so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the

rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and

8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

### **RESOLUTION**

#### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City Attorney be authorized to sign a First Amendment to the Fee Arrangement/Professional Services Letter of Engagement by and between the City of El Paso and Delgado, Acosta, Braden & Jones, P.C. to continue providing professional legal services to develop and complete an Employee Handbook for the City of El Paso at a cap of an additional \$5,000.00 for a total of \$10,000.00.

Ms. Lisa A. Elizondo, City Attorney, explained that a working draft of the employee handbook had been developed; however, additional money is required to finalize the handbook.

Representatives Lozano, Cook, Power, Cushing, and Austin made comments and/or asked questions of City staff.

Mayor Joe Wardy explained that such a handbook had not been created and was a necessary tool for preventive measures.

Mr. Jim Martinez, Chief Administrative Officer, explained using the internet as a means of displaying the proposed handbook and printing costs for those employees without internet access.

Ms. Terry A. Bond, Director of Human Resources, clarified differences between Civil Service Commission Rules and Regulations and the proposed employee handbook.

Mr. Steve Blanco, attorney with Delgado, Acosta, Braden & Jones P. C., provided legal advice.

Ms. Lisa Turner, citizen, questioned why discussion on the compilation of an employee handbook was initially held during Executive Session and questioned the need for outside counsel to compile an employee handbook.

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to approve the above Resolution.

.....

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign Contracts between the **CITY OF EL PASO** and the following individuals to provide sign language interpreting services for City related matters on an as needed basis, which may include, but not limited to, Municipal Court, Police Department matters and police emergencies, City Council meetings, and public hearings. The services may be required during normal work hours as well as after hours or weekends. The term of the contract shall be for the period of April 1, 2004 through March 31, 2005.

1. LIZA ENRIQUEZ
2. MARY L. MOONEY

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign Contracts between the **CITY OF EL PASO** and the following individuals to provide sign language interpreting services for City related matters on an as needed basis, primarily for public hearings and City/County Health Department matters. The services may be required during normal work hours as well as after hours or weekends. The term of the contract shall be for the period of April 1, 2004 through March 31, 2005.

1. ROSA ARZOLA
2. ESTHER SALDAÑA

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Grant Agreement between the City of El Paso and AdEdge, L.L.C., in the amount of \$100,280.00 in Empowerment Zone/Enterprise Community Social Service Block Grant (EZ/EC SSBG) funds for the purpose of providing General Equivalency Development (GED) Certification Preparation and Computer Skills Instruction, under the federally designated Enterprise Community (EC) GED/ Computer Training Initiative for the period of March 30, 2004 to December 31, 2004.

Representative Rojas questioned Mr. Thomas Serrano, Community and Human Development, on the boundaries of the Empowerment Zone and Enterprise Community.

Mr. Serrano explained and noted that the locations where such instruction would take place.

Ms. Lee Ann Koehler, Assistant City Attorney, revised the Exhibit language to state "with other possible locations for training to be approved by the Department of Community and Human Development within the parameters of the Grant Agreement."

Ms. Margaret Davis, volunteer, commented on the use of monies by the Enterprise Community Social Service Block Grant. Representatives Cook and Cushing complemented Ms. Davis on her dedication to serving the community.

Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to approve the above Resolution as revised.

Representatives Power and Cobos were not present for the vote.  
.....

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **KIMBERLY MCCARDEN**, to assist the Museum of Art as a Museum Development Assistant at an hourly rate of \$13.82 for 40 hours per week. The term of the contract shall be for the period of March 31, 2004 through March 30, 2005.

**\*RESOLUTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN OVERHEAD EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO PROPERTY IN NORTHEAST EL PASO LOCATED CLOSE TO THE TEXAS/NEW MEXICO BORDER BETWEEN MARTIN LUTHER KING JR., BLVD. AND MC COMBS STREET NORTH OF STAN ROBERTS SR. AVENUE IN A PORTION OF SECTION 2, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY SURVEYS, EL PASO COUNTY, TEXAS.**

WHEREAS, March 8, 2004, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an overhead easement (10' x 518') for the purpose of providing electrical service to property in northeast El Paso located close to the Texas/New Mexico Border between Martin Luther King Jr. Blvd. and McCombs Street north of Stan Roberts Sr. Avenue in a portion of Section 2, Block 81, Township 1, Texas and Pacific Railway Surveys, El Paso County, Texas; and

WHEREAS, the City Council finds it to be in the public interest to grant an overhead electrical easement to provide service to land in a portion of Section 2, Block 81, Township 1, Texas and Pacific Railway Surveys, El Paso County, Texas; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is hereby authorized to sign a document granting an overhead easement for the purpose of providing electrical service to property in northeast El Paso located close to the Texas/New Mexico Border between Martin Luther King Jr. Blvd. and McCombs Street north of Stan Roberts Sr. Avenue in a portion of Section 2, Block 81, Township 1, Texas and Pacific Railway Surveys, El Paso County, Texas.

**\*JOINT USE RESOLUTION**

**A JOINT USE RESOLUTION OF THE CITY OF EL PASO, TEXAS AND THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD TO PROVIDE THAT AN EXISTING CITY DRAINAGE EASEMENT BE USED FOR DRAINAGE AND WATER AND SEWER SERVICE FOR PLEASANT HILLS SUBDIVISIONS FOUR AND EIGHT BEING PART OF BLOCK 4, PLEASANT HILLS SUBDIVISION FOUR, EL PASO, EL PASO COUNTY, TEXAS, BETWEEN PLEASANT SAND DRIVE AND PLEASANT HILLS DRIVE, SOUTH OF PATRIOT FREEWAY.**

WHEREAS, the City of El Paso (City) owns an existing drainage easement being a fifteen foot wide, one hundred ten foot long, tract of land, a portion of Block 4, Pleasant Hills Unit Four Subdivision of record in Volume 60, Page 23, Plat Records, City of El Paso, El Paso County, Texas; and,

WHEREAS, the El Paso Water Utilities Public Service Board (PSB) desires to utilize the City drainage easement to provide water and sewer service to Pleasant Hills Unit Eight Subdivision; and,

WHEREAS, the City finds that the granting of the joint use of the City's drainage easement is an efficient and cost effective use of City assets to provide a beneficial use for the named subdivision; and,

WHEREAS, the City also finds that the joint use of the City's drainage easement will not impair the assets of the City or adversely affect the operations thereof;

**NOW THEREFORE, BE IT RESOLVED BY THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD AND THE CITY COUNCIL OF THE CITY OF EL PASO, THAT:**

**Section 1.** For and in consideration of the public benefits to be derived by the remaining property as a result of the proposed public improvements, the City hereby grants joint use of a permanent drainage easement for public improvements, that is, water and sewer lines to service Pleasant Hills Unit Eight Subdivision, being a tract of land fifteen feet wide and approximately one hundred ten feet long, located out of Block 4, Pleasant Hills Unit Four, City of El Paso, El Paso County, Texas and being between Pleasant Sand Drive and Pleasant Hills Drive, South of the Patriot Freeway.

**Section 2.** This joint use easement is more particularly described by metes and bounds on Attachment "A" attached hereto and incorporated herein by this reference for all purposes. (Attachment on file with this Resolution in the City Clerk's Office).

**Section 3.** The rights hereby granted to the PSB include the right to construct, build, install, repair, reconstruct, maintain and operate water and sewer lines with appurtenances and improvements thereto to include the right of access along with ingress and egress as necessary.

**Section 4.** The PSB may use such portion of the property along and adjacent to the said joint use easement area as may be reasonably necessary in connection with the construction, reconstruction, installation, maintenance, repair, removal or replacement of the facilities described herein provided that the PSB shall be responsible to restore the property to the condition it was in prior to the PSB's use as may be mutually agreed upon between the City and the PSB.

**Section 5.** This grant is to have and to hold the described rights and easement jointly between the City and the PSB together with the drainage easement of the City, the rights and appurtenances thereto in any way belonging to the City, its successors and assigns. Such rights and easement shall be covenants running with the land and be binding upon the City, its officers, agents and employees.

**Section 6.** Other than the rights and easement granted herein, the City reserves the right to the full use and enjoyment of the property which it owns subject to this easement.

**Section 7.** The PSB, to the extent permitted by state law, will hold harmless, defend and indemnify the City itself against any suits, liabilities, claims, demands or damages, including but not limited to personal injuries, property damage and reasonable attorney's fees arising from the PSB's use and exercise of its easement rights granted by this document.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a **Memorandum of Understanding** by and between the **CITY OF EL PASO** and **EL PASO WATER UTILITIES PUBLIC SERVICE BOARD** for clarifying the mutual responsibilities and duties pertaining to the design and installation of water and sanitary sewer services at the Animal Shelter facility.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor is hereby authorized to sign a Letter of Agreement, and any related documentation, with the El Paso Electric Company to provide for the installation of underground electrical service to the Animal Shelter Facility, located at 5001 Fred Wilson, El Paso, El Paso County, Texas. Said electrical service shall consist of an underground system consisting of a 277/480 volt, three phase, four wire. One (1) 500 KVA transformer will be installed to service the electrical load.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement by and between THE CITY OF EL PASO, a municipal corporation situated in El Paso County, Texas, in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area, hereinafter referred to as "CITY, and THE REGENTS OF NEW MEXICO STATE UNIVERSITY, hereinafter referred to as "NMSU", wherein NMSU will conduct Network Development and Integration Activities for the El Paso Metropolitan Planning Organization 2030 Travel Demand and Land Use Models.

Representative Cushing questioned utilizing the New Mexico State University computer services.

Mr. Ricardo Dominguez, Metropolitan Planning Organization, added that both MPO and NMSU computer services were utilized to train future planners and provided comments regarding the specialized training.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

Representative Power was not present for the vote.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to accept, on behalf of the El Paso Museum of Archeology at Wilderness Park, a grant in the amount of \$5,000.00 from The Summerlee Foundation and to sign any related contracts or other documents. The funds are granted for the purchase and installation of a display case for the Museum. No matching funds from the City are required.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

**ACOSTA SPORTS CENTER**

**DEPARTMENT ID: 51010215, ACCOUNT 502215**



1. CONTRACTOR: George Heredia, Umpire  
 DATES: March 31, 2004 through August 31, 2004  
 RATE PER CL: \$16.00  
 MAXIMUM AMT: \$8,000  
 CONTRACT: **2003/2004-114**
  
2. CONTRACTOR: George Heredia, Field Supervisor  
 DATES: March 31, 2004 through August 31, 2004  
 RATE PER CL: \$11.00  
 MAXIMUM AMT: \$3,300.00  
 CONTRACT: **2003/2004-115**
  
3. CONTRACTOR: Javier Aguinaga, Scorekeeper  
 DATES: March 31, 2004 through August 31, 2004  
 RATE PER CL: \$8.00  
 MAXIMUM AMT: \$2,200.00  
 CONTRACT: **2003/2004-116**

.....  
 Motion made, seconded and unanimously carried to move to the regular agenda the following:

### RESOLUTION

#### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an application on behalf of the City's Parks and Recreation Department to Baseball Tomorrow Fund ("BTF") for a grant in the amount of \$118,000 to cover a portion of the costs of shade canopies at various athletic facilities of the Parks & Recreation Department and that the Mayor be authorized to sign any required contracts and related documents accepting a grant for such amount or for any lesser amount approved by BTF. Matching funds in the amount of \$37,900 from Parks fund balance, \$55,540 from the 2000 Park Sports Bond, and \$13,000 in donations from private parties will be required.

Mr. John Nance, Assistant City Attorney, read revisions regarding the Resolution language into the record.

Ms. Paula Powell, Sports Operation Supervisor, explained the use of three City parks as tournament complexes and the need for shading for those competing. She answered questions from and responded to comments made by the Council Members.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve the above Resolution as revised.

Representative Power was not present for the vote.

### \*RESOLUTION

#### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign, on behalf of the Parks and Recreation Department, an Agreement with the Parents Association for Recreation for Kids, Inc., providing co-sponsorship by the Parks and Recreation Department for the fundraising event, to be held on Sunday, April 25, 2004, for the purpose of raising funds to cover costs associated with the design and purchase of playground equipment to be installed at White Spur Park. No user fee shall apply to this co-sponsored event.

**\*RESOLUTION**

**WHEREAS**, the American Podiatric Medical Association has recently recognized El Paso, Texas, as one of the country's best cities for walking; and,

**WHEREAS**, the City of El Paso, has been a participant in working with the National Park Service, the County of El Paso, Texas, and the City of Sunland Park, New Mexico to develop conceptual plans for the Rio Grande Trail System; and,

**WHEREAS**, The Rio Grande Trail System will provide a contiguous Riverpark in the Paso del Norte Region that offers recreational opportunities and access to historical, cultural, and natural resources; and

**WHEREAS**, The Rio Grande Trail System is envisioned as a contiguous trail system on both sides of the Rio Grande from New Mexico to the Hudspeth County line,

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso City Council supports the grant application of the City of Sunland Park, New Mexico for a 2004 Recreational Trails Program application from the State of New Mexico for \$240,000 to develop approximately seven miles of trail. There is no cost to the City of El Paso, Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **MARIA E. RIVERA** to assist the Police Department as a Crisis Response Team Case Manager at an hourly rate of \$12.50 for 40 hours per week. The term of the contract shall be for the period of March 31, 2004 through June 30, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ARACELI SALCEDO**, to assist the Police Department as a Multi-Agency Referral System (MARS) Coordinator at a biweekly rate of \$1,105.29 for 40 hours per week. The term of the contract shall be for the period of April 3, 2004 through August 31, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ESTHER S. MATA** to assist the Police Department as a Multi-Agency Referral System (MARS) Coordinator at a biweekly rate of \$1,105.29 for 40 hours per week. The term of the contract shall be for the period of April 3, 2004 through August 31, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to accept donations from various business, civic organizations and citizens of money, items to assist with community clean-up projects and sealed refreshments for volunteers for Pride Day on November 6, 2004; that the Chief of Police or his designee compile a list of all contributions; and that the City Council finds a public purpose in the distribution of any donated refreshments to volunteers working with community clean-up projects on Pride Day.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Amendment to the Agreement by and between the City of El Paso and the Upper Rio Grande Workforce Development Board, Inc., in conjunction with a grant from the United States Department of Labor, to reduce the number of police officers assigned to the grant project from two to one as of September 1, 2003 and to revise the amount of the agreement and the list of objectives and project budget accordingly.

Representative Rojas questioned the reduction of police officers and the number of individuals affected by the reduction.

Interim Deputy Chief Paul Cross explained that the grant guidelines could be satisfied by utilizing one officer.

Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

Representative Power was not present for the vote.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement between the City of El Paso and Comcorp to work in conjunction with the El Paso Police Department to develop short television presentations regarding different traffic laws to be called rules of the road spots and to permit Comcorp to acquire corporate sponsors or sell advertising in connection with the presentation of the rules of the road spots on its television station, KTSM.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign and submit a request for the extension of the award period to the U.S. Department of Justice, Office of Community Oriented Policing Services, to extend the award ending date to October 1, 2005 for the COPS More '98 Grant, #1999CLWX0259; to extend the award ending date for Supplement I of this grant to October 1, 2006; and to sign and submit other requests for deadline extensions for this grant as may become necessary.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign release of liens on the following properties (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to these sanitation liens for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
4660/4664 Caples Circle	\$1,057.07	\$1,041.53	\$2,098.60
810 Pine Place	\$143.97	\$ 16.31	\$ 160.28
8000 Stanford Court	\$323.67	\$229.92	\$ 553.59
8019 Stanford Court	\$154.16	\$167.30	\$ 321.46

The Resolution was moved to the Regular Agenda for discussion; however, no discussion was noted.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

Representative Power was not present for the vote.

NOTE: Resolution was revised to read "\$2,098.60".

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City Council of the City of El Paso approved the participation by the Department of Solid Waste Management in the Eighth Annual Dia de los Niños: Dia de los Libros (Children's Day: Book Day) parade to be held Saturday, April 24, 2004, by providing a Solid Waste Management vehicle to escort the Recycling Mascot, Captain Can-A-Roo.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement with BROWN AND CALDWELL to provide Two (2) 23 Gallon Containers for a service fee of \$5.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement with VERDE GROUP, LLC to provide One (1) 32 Gallon Container for a service fee of \$5.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor and City Council be authorized to approve a policy regarding the acceptance and use of donations from the community collected through the efforts of the Mayor's Ad Hoc Green Sweep Committee. Policy is attached as Attachment "A" (Attachment "A" on file in the City Clerk's Office).

**\*RESOLUTION**

**WHEREAS**, the City of El Paso and the El Paso Zoological Society ("the Society") entered into a License Agreement as of November 12, 2002, to provide for the promotion and support by the Society of the programs and operations of the El Paso Zoo; and

**WHEREAS**, under the terms of the License Agreement, the Society is required annually to review and update its Master Plan and to prepare an updated five-year advisory plan for the orderly development of Zoo activities to be conducted by the Society; and

**WHEREAS**, the updated five-year advisory plan is to be presented to the City Plan Commission for advice and consultation, and thereafter to City Council as a final report;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Five Year Plan submitted by the El Paso Zoological Society is hereby approved and adopted by City Council as the framework for promotion and support by the Society of the programs and operation of the El Paso Zoo for the 2004 to 2009 time frame.

**\*NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 20<sup>th</sup> day of April, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 148-150 N. Brown Street, in El Paso, Texas, which property is more particularly described as:

Lots: S 75 Ft. of 1 to 3 and 75 Ft. of W 15 Ft. of 4, Block 32, Franklin Heights

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Carlos Escobedo, 10540 Kendall Street, El Paso, Texas 79924, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 27<sup>th</sup> day of April, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 378 S. Santa Fe Street AKA 115 W. Paisano Drive, in El Paso, Texas, which property is more particularly described as:

A portion of the West ½ of Block 33, being 110.19 feet on Santa Fe Street by 120 feet beginning on Piasano Southwest corner, Block 33, Anson Mills Map, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Anid, Inc., 2120 Myrtle Avenue, El Paso, Texas 79901, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....

\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 27<sup>th</sup> day of April, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3008 Barkarian Place, in El Paso, Texas, which property is more particularly described as:

Lot: 7, Block 2, East Glen Addition Unit One Replat "B", an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 54, Page 5, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Antonio & Sylvia Legaspi, 10837 Bella Vista Drive, El Paso, Texas 79935, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.



Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 27<sup>th</sup> day of April, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 10301 Dyer Street, in El Paso, Texas, which property is more particularly described as:

Lots: 31, 32, 33, 34, 35, 36, 37 and 38, Parkland Addition (First Supplemental Map)

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Dr. Luis R. Marioni, 3734 King Palm Drive, El Paso, Texas 79936, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any ortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

\*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Tierra Del Este Unit Fifteen  
 Owner/Developer: Ranchos Real VI, LTD.  
 Consultant: Conde Engineering

Street Improvements:

Tierra Fresno Drive - from the south property line of Tierra Encino Drive to the end of cul-de-sac

Tierra Cuervo Drive - from the east property line of Tierra Fresno Drive to the west property line of Tierra Cortez Avenue

Tierra Agave Drive - from the northeast subdivision boundary line to the north property line of Tierra Encino Drive, and from the south property line of Tierra Encino Drive to the north property line of Tierra Cuervo Drive

Tierra China Court - from the east property line of Tierra Agave Drive to the southwest subdivision boundary line

Pebble Hills Boulevard - from the northwest subdivision boundary line to the west property line of Tierra Cortez Avenue, and from the east property line of Tierra Cortez Avenue to the southwest subdivision boundary line

Tierra Cortez Avenue - from the northeast subdivision boundary line to the north property line of Tierra Nogal Drive, and from the south property line of Tierra Nogal Drive to the end of cul-de-sac

Tierra Nogal Drive - from the northeast subdivision boundary line to the west property line of Tierra Fresno Drive, and from the east property line of Tierra Fresno Drive to the end of cul-de-sac

Tierra Encino Drive - from the northeast subdivision boundary line to the southeast subdivision boundary line

Drainage Improvements:

Surface Drainage

.....  
\*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision:           Tierra Del Este Unit Three, Phase II  
Owner/Developer:   Ranchos Real V., LTD.  
Consultant:           CONDE Inc.

Street Improvements:

Pebble Hills Boulevard - from the southeast subdivision boundary line to the east property line of Tierra Este Road, and from the west property line of Tierra Este Road to the northwest subdivision boundary line

Drainage Improvements:

Pebble Hills Boulevard - 1-4 Grate Drop Inlet Type I; 1-3 Grate Drop Inlet Type I; and 80.24 ft. of 24" R.C.P.

.....  
\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for **LEGAL**

Add	2.00	Legal File Clerk	GS06
Delete	2.00	Clerical Assistant	GS06

.....  
\*Motion made, seconded and unanimously carried to re-appoint Lorraine Huit to the El Paso Public Arts Commission by Representative Susan Austin, District 1.

.....  
\*Motion made, seconded and unanimously carried to appoint Dr. Kathleen A. Staudt to the Community Advisory Panel for the City Manager Hiring Process by Representative Vivian Rojas, District 7.

.....  
\*Motion made, seconded and unanimously carried to appoint Rebecca Salcido to the Ethics Review Commission by Representative Vivian Rojas, District 7.

.....  
\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Global Crossing North America Ntwks in the amount of \$21,982.61, overpayment of 2003 taxes.  
(PID #2000-999-2869-0030)
- B. Fairbanks Capital c/o Lereta Corporation in the amount of \$4,970.11, overpayment of 2003 taxes.  
(PID #C340-999-0090-3700)
- C. Land American Texas OneStop, Inc. in the amount of \$3,023.02, overpayment of 2003 taxes.  
(PID #C340-999-0780-2900)
- D. Fidelity National Title in the amount of \$4,998.61, overpayment of 2003 taxes.  
(PID #C340-999-1450-1500)
- E. Eric Riley, in the amount of \$8,566.71, overpayment of 2003 taxes.  
(PID #C801-999-0260-0700)

- F. William Whitfield & Charlotte Whitfield in the amount of \$14,513.94, overpayment of 2002 taxes.  
(PID #C875-999-0010-1900)
- G. Wells Fargo Home Mortgage in the amount of \$2,583.96, overpayment of 2003 taxes.  
(PID #E075-000-0020-2100)
- H. ABN Amro Mortgage Group, Inc. in the amount of \$2,779.56, overpayment of 2003 taxes.  
(PID #E222-999-1170-1900)
- I. Stewart Title in the amount of \$3,097.04, overpayment of 2004 taxes.  
(PID #M576-999-0190-0900)
- J. Robert V. Falvey in the amount of \$13,645.45, overpayment of 2003 taxes.  
(PID #S533-000-0120-08G1)
- K. Wells Fargo Real Estate Tax Services, LLC in the amount of \$2,566.98, overpayment of 2003 taxes.  
(PID #S804-999-0310-6400)
- L. Wells Fargo Real Estate Tax Services, LLC in the amount of \$2,751.46, overpayment of 2003 taxes.  
(PID #S812-999-0240-0400)
- M. Wells Fargo Home Mortgage in the amount of \$3,243.95, overpayment of 2003 taxes.  
(PID #S812-999-0250-6100)
- N. Ruben & Antonia Rivas in the amount of \$2,566.64, overpayment of 2002 and 2003 taxes.  
(PID #T240-999-000H-0100)
- O. Cristina Fonseca in the amount of \$7,579.64, overpayment of 2003 taxes.  
(PID #Y805-999-024B-1877)

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the request that the Director of Purchasing exercise the City's option to extend Contract No. 2002-203 between the City of El Paso and BPSI, El Paso, Texas, to Furnish & Install Modular Furniture for the Department of Aviation (for two additional years) starting August 15, 2004, and ending, August 14, 2006.

Department: Department of Aviation  
Funds available: 62620028-PAP0004100  
Funding source: Airport Capital Funds  
Total amount: \$25,000.00 (Estimated annually)

Representative Rojas questioned Mr. Byron Johnson, Director of Purchasing, regarding the need to extend the contract.

Mr. Johnson explained that due to the recent remodeling at the Airport, the furniture would be utilized for the Building Maintenance staff.

Motion made by Representative Rojas, seconded Representative Power and unanimously carried to approve that the Director of Purchasing exercise the City's option to extend Contract No. 2002-203 between the City of El Paso and BPSI, El Paso, Texas, to Furnish & Install Modular Furniture for the Department of Aviation (for two additional years) starting August 15, 2004, and ending, August 14, 2006.

Department: Department of Aviation  
Funds available: 62620028-PAP0004100  
Funding source: Airport Capital Funds  
Total amount: \$25,000.00 (Estimated annually)

Representative Lozano was not present for the vote.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda Change Order No. Change Order No. Eight (Scope Change) to Funk & Company for " Renovation to City Hall Mechanical and Lighting" for an increased amount of \$ 110,000.00. The increase is needed to replace the existing actuators and fire sensors. (Contract No. 2003-008)

Representative Cook questioned Mr. Byron Johnson, Director of Purchasing, why a change order was necessary.

Messrs. Johnson, Jim Martinez, Chief Administrative Officer, and Ed Drusina, Director of Public Works, provided explanation.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve Change Order No. Change Order No. Eight (Scope Change) to Funk & Company for " Renovation to City Hall Mechanical and Lighting" for an increased amount of \$ 110,000.00. The increase is needed to replace the existing actuators and fire sensors. (Contract No. 2003-008)

Representatives Austin and Lozano were not present for the vote.

.....  
\*Motion made, seconded and unanimously carried to approve request that the Director of Purchasing be authorized to issue an emergency Purchase Order to Motorola Inc., in the amount of \$85,000.00 for Maintenance of 800MHZ Trunked Simulcast Radio System /800MHz Conventional Fixed Equipment Maintenance.

The maintenance of this system is critical to insure the functionality of the needed public safety radio voice, data and automatic vehicle locator systems. The public safety departments require 24 hour a day/ 7 day a week response for of the maintenance and support of the Motorola 800 MHz Trunked Simulcast Radio System/800 MHz Conventional Fixed Equipment Maintenance.

Emergency procurements necessary to protect the public health or safety of the City's residents are exempt from the competitive bidding requirements of Chapter 252 of the Local Government Code.

The above mention maintenance is in the process of been awarded.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

Bid No.:	2004-001	Security Guard Service El Paso Main Library and Library Branches
Award to:		Initial Security
		Houston, TX
Item (s):		All
Amount:		\$251,443.92 (estimated annually)
Department:		Municipal Services – Building Maintenance
Funds available:		31010326-502212
Funding source:		General Funds, Security Contracts, Building Maintenance
Total award:		\$754,331.76

Municipal Services, Maintenance Division, Library Department and Purchasing recommend award as indicated as this vendor has provided the Best Value Bid.

This is a thirty-six (36) month contract with no option to extend the term of this contract.

Representative Cobos stated that he had reviewed the security guard bids and moved that City Council finds that Lone Star Security should be rated 75 points for references and a revised total of 430 points and that Contract 2004-001 for security at the libraries be awarded to Lone Star Security.

Mr. Byron Johnson, Director of Purchasing, explained.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that City Council find that El Paso Lone Star Security Agency should be rated 75 point for reference and a revised total of 430 points and to award Bid No. 2004-001 Security Guard Service El Paso Main Library and Library Branches to them as they are the Best Value Bid for the City.

Award to: El Paso Lone Star Security Agency  
El Paso, TX  
Item (s): All  
Amount: \$237,415.00 (estimated annually)  
  
Department: Municipal Services - Building Maintenance  
Funds available: 31010326-502212  
Funding source: General Funds, Security Contracts,  
Building Maintenance  
Total award: \$712,245.00

Municipal Services, Maintenance Division, Library Department and Purchasing recommend award as indicated as this vendor has provided the Best Value Bid.

This is a thirty-six (36) month contract with no option to extend the term of this contract.

NOTE: Request was awarded to a different company and amounts were revised.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2004-089 Janitorial Services For The Friendly & Happiness Nutrition Centers

Award to: Global Clean  
El Paso, Texas  
Item (s): 1 & 2  
Amount: \$20,279.70 (estimated annually)  
  
Department: Municipal Services, Building Maintenance  
Funds available: 31010326-01101-502206  
Funding source: General Funds, Janitorial Maintenance Service Contract  
Total award: \$60,839.10

Municipal Services Department and Purchasing recommend awards as indicated as this vendor has provided the Best Value Bid Procurement.

This is a thirty-six (36) month contract with no option to extend the term of this contract.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2004-088R 800MHZ Trunked Simulcast Radio System/800MHZ Conventional Fixed Equipment Maintenance

Award to: Motorola, Inc.  
Albuquerque, New Mexico  
Item (s): All  
Amount: \$1,498,893.76 / 28 Months  
  
Department: Public Safety Technology  
Funds available: Various  
Funding source: Various  
Total award: \$1,498,893.76 / 28 Months

The review committee for the Award of 800mhz Trunked Simulcast Radio System /800mhz Conventional Fixed Equipment Maintenance for Public Safety Technology Department has met and reviewed the Sole responsive Proposal that was received. It is the recommendation of the committee to award the RFP to this firm. The proposal response addressed the scope and intent of the RFP.

This is a twenty-eight (28) month contract with five additional twelve (12) months options to extend the contract (one twelve-month option at a time) under the same terms and conditions.

Additionally, authorization is requested for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute any related contract documents and agreements necessary during the contract.

It is further requested that the Mayor and staff be authorized to execute budget transfers for this award and project, as necessary.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda RFP No. 2004-138R Executive Search Firm for City Manager.

Ms. Lisa Turner, citizen, suggested that qualifications for the City Manager position include bilingual knowledge.

Mr. Byron Johnson, Director of Purchasing, explained the funding amount, including fees and other expenses. He answered questions from and responded to comments made by the Council Members.

Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to award RFP No.2004-138R Executive Search Firm for City Manager

Award to:	The Mercer Group, Inc.
Item (s):	Dallas, Texas
Amount:	\$60,000.00
Department:	Mayor and Council
Funds available:	Non Departmental Budget
Funding source:	Non Departmental Budget
Total award:	\$60,000.00

The Review Committee based on evaluation factors established for this RFP recommend award to The Mercer Group, Inc.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute any related contract documents and agreements necessary during the contract.

Further it is requested that the Mayor and staff be authorized to execute budget transfers for this award and project, as necessary.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2004-076 Magnetic Stripe Tickets (For Amano Ticket Dispensers)

Award to:	Southland Printing Co.
	El Paso, Texas
Item (s):	1A and 1B
Amount:	\$10,128.00 (estimated annually)

Department: Department of Aviation  
Funds available: 62620003-503121-40101  
Funding source: Airport Operating Fund  
Total award: \$10,128.00 (estimated annually)

The Department of Aviation and the Purchasing Department recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

This is a twenty-four (24) month requirements-type Contract for Magnetic Stripe Tickets for the El Paso International Airport.

The Contract will officially begin at 12:01 AM, March 31, 2004.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2004-079 Runway Rubber Removal & Friction Measurement Services

Award to: Unicen Industries  
Bellevue, WA  
Item (s): 1  
Amount: \$65,000.00 (estimated annually)

Department: Department of Aviation  
Funds available: 62620003-503121-40101  
Funding source: Airport Operating Fund  
Total award: \$65,000.00 (estimated annually)

The Department of Aviation and the Purchasing Department recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

This is a twenty-four (24) month requirements-type Contract for Runway Rubber Removal & Friction Measurement Services for the El Paso International Airport.

Vendor offers the City the option of extending the term of the contract for twenty-four (24) additional months at the same unit prices, if the option is exercised within two (2) years from the date of award of the contract.

Vendor does not offer a prompt payment discount.

The Contract will officially begin at 12:01 AM, April 12, 2004.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2004-095 San Juan Parking Lots Improvements

Contractor: CH & JM Construction Inc.  
El Paso, TX  
Department: Parks and Recreation  
Funds Available: 71000-71150069-G7127CD0020-07644-508027  
Funding Source: Community Development  
Items: Base Bid I \$68,512.00  
Base Bid II \$31,338.00  
Total Award: \$99,850.00



RECOMMENDATION:

The Departments of Purchasing, Engineering, and Parks & Recreation recommend the award of this contract to CH & JM Construction, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2004-102 Suspension & Steering System & Related Products

Award to:	Vendor 1:	Main Auto Parts El Paso, Texas
Item (s):		Group I, all items
Amount:		\$25,000.00 (estimated annually)
	Vendor 2:	Border International Trucks El Paso, Texas
Item (s):		Group II, all items
Amount:		\$25,000.00 (estimated annually)
Department:		Fleet Services
Funds available:		37370510-503121
Funding source:		Fleet Service Internal Service Fund
Total award:		\$150,000.00

The Fleet Services and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor #1 and #2 offer the city the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

Vendor #1 also offers the city a prompt payment discount of 20% ten days.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2004-104 Bearings & Seals & Related Parts

Award to:	Vendor 1:	Main Auto Parts El Paso, Texas
Item (s):		Group I, all items
Amount:		\$20,000.00 (estimated annually)
	Vendor 2:	MHC Kenworth/Sterling/Ford El Paso, Texas
Item (s):		Group II, all items
Amount:		\$20,000.00 (estimated annually)

Department: Fleet Services  
 Funds available: 37370510-503121  
 Funding source: Fleet Service Internal Service Fund  
 Total award: \$120,000.00

The Fleet Services and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor #1 and #2 offer the city the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

Vendor #1 also offers the city a prompt payment discount of 20% ten days.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2004-519 COMMUNITY AND HUMAN DEVELOPMENT

The El Paso Water District will lease land to us for access to this project. They require a specific type of survey, and this budget transfer makes monies available for that specific survey.

Decrease	\$13,500	from	71150069/G7129CD000107747/508027	Const
Increase	\$13,500	to	71150069/G7128CD006107760/508017	Surveys
Increase	\$13,500	to	71150069/G7129CD000107747/507001	Intfd Trf
Increase	\$13,500	to	71150069/G7128CD006107760/407001	Intfd Trf

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2004-549 COMMUNITY AND HUMAN DEVELOPMENT

This transfer sets up the accounts into which the Public Service Board will pay their portion of the Borderland Street Project, a 29<sup>th</sup> year (2002-2003) Community Development Project. The PSB portion covers the 50% that will be paid by the PSB for work done on their infrastructure as a part of this project.

Increase	\$40,838.70	to	71150069/G7128PS000811075/406002	Loc Grt Proc
Increase	\$40,838.70	to	71150069/G7128PS000811075/508027	Const

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2004-564 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer appropriations of \$60,000 to fund building improvements for the City Hall basement doors. Funding source is 1994 CO's.

Increase	\$60,000	to	31114001/PPWFA0302027047/508003	Bldg Imprvmts
Increase	\$60,000	to	31114001/P50131327042/407002	Est Rev
Increase	\$60,000	to	31114001/PPWFA0302027047/407001	Intfd Trf
Increase	\$60,000	to	31114001/P50131327042/507001	Intfd Trf

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2004-569 AIRPORT

Transfer of funds from Airport Contingency to accommodate reimbursement of lease expenses.

Increase	\$22,000	to	62620011/40101/505409	Settlements
Decrease	\$22,000	from	62620001/40101/504405	Contingency

\*Motion made, seconded and unanimously carried to approve budget transfer BT2004-570 AIRPORT

Transfer of funds from Airport contingency to cover the cost of water for the rest of the year based on current year-to-date numbers and last year's use.

Increase	\$4,000	to	62620013/40101/504101	Water
Increase	\$1,100	to	62620009/40101/504101	Water
Decrease	\$5,100	from	62620001/40101/504405	Contingency

.....  
\*Motion made, seconded and unanimously carried to approve the request of Cystic Fibrosis Foundation to hold a Great Stride to Cure Cystic Fibrosis 10k-6.2 mile walk on May 15, 2004 from 7:00 a.m. to 12:00 p.m. Route: Start at Ponder Park at 7500 W.H. Burges, north on Juniper to Edgemere Parkway, loop around the parkway back to Juniper and back to Ponder Park, repeat same path to complete the 10k walk. Approximately 75-100 persons will take part. PERMIT NO. 04-014 [Jeanette Jacoway]

.....  
\*Motion made, seconded and unanimously carried to approve the request of Saint Patrick Cathedral Parish to hold a Good Friday procession on April 9, 2004 from 9:00 a.m. to 12:00 p.m. Route: Start at the corner of Arizona and Stanton St, proceed on Stanton St to Rio Grande, turn left on Rio Grande to Florence, turn right on Florence to Montana, turn left on Montana to Ange St., turn right on Ange St. to Wyoming, turn left on Wyoming to Virginia St., turn right on Virginia, proceed on Virginia to Crosby Ave., turn left on Crosby to Kansas, turn left on Kansas to California, turn right on California to Stanton, back to Kansas, turn right on Kansas to Nevada and finish at St. Patrick's Church parking lot. Approximately 250 persons and 2 vehicles will take part. This request includes permission to use amplification (1 hand-held microphone with portable amplifier/speaker). PERMIT NO. 04-016 [Sister Maureen Jerkowski]

.....  
\*Motion made, seconded and unanimously carried to approve the request of C C Roca Fuerte Church to hold a walk on April 9, 2004 from 6:45 p.m. to 7:15 p.m. Route: Start at Edgemere Park to Hawkins and finish at 1401 N. Hawkins. Approximately 150 persons will take part. PERMIT NO. 04-017 [Pastor Alberto Weber]

.....  
\*Motion made, seconded and unanimously carried to approve the request of Catholic Community of Corpus Christi to hold a Good Friday procession on April 9, 2004 from 11:00 a.m. to 1:30 p.m. Route: Start at 9205 North Loop (church), proceed on Cuernavaca to Warwick, right on Warwick to Morelia, left on Morelia to Zacatecas passing across Warwick to Jalapa, left on Morelia to Grennoble, left on Grennoble to Morelia, left on Morelia to Bordeaux, right on Bordeaux to Sorbonne, right on Sorbonne to Cannes, left on Cannes to Sorbonne, left on Sorbonne to Le Barron, left on Le Barron to North Loop and finish at church. Approximately 200 persons and 2 golf carts will take part with no spectators. This request includes permission to use amplification (1 small P.A. system, 1 microphone, and 2 speakers). PERMIT NO. 04-021 [Mike R. Garcia]

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week the introduction of an Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Section 20.04.520 (Administrative Provision; Notice-Method) to change the notice requirements for a zoning change on one acre or more of land. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week the introduction of an Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Section 20.04.520 (Administrative Provision; Notice-Method) to change the notice requirements for a zoning change, special use permit, or release of zoning condition on one acre or more of land. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.  
.....

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII- Restrictions On Parking In Residential Districts), Of The El Paso Municipal Code, To Add Zone H: No Parking Anytime, On Ochoa Street, Seventy Feet South Of The Curb line At Father Rahm Avenue To One Hundred Forty Feet South Of The Curb line At Father Rahm, West Side Only. The Penalty Being As Provided In Section 12.84.010 (Violation-Penalty) Of The El Paso Municipal Code.
- B. An Ordinance Amending Title 12 (Vehicles And Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times On Certain Streets) To Add A New Location On Mills Avenue Between Ochoa Street And Virginia Street, South Side Only. The Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code.
- C. An Ordinance Amending Title 12 (Vehicles And Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Of The El Paso Municipal Code, To Temporarily Reduce The Existing Speed Limit Of 60 M.P.H. To 45 M.P.H. On Loop 375 Between One Mile South Of Bob Hope Drive To One Mile North Of Montana Road (US 62/180) In Both Directions For The Duration Of The Construction Of The Main Lanes On Loop 375 From Bob Hope Drive To Montana Road. The Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code.
- D. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the Class of **MUNICIPAL SERVICES ASSISTANT DIRECTOR FOR FACILITIES MANAGEMENT**.
- E. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **COMMUNITY & HUMAN DEVELOPMENT DIRECTOR**.

**PUBLIC HEARING WILL BE HELD ON APRIL 13, 2004 FOR ITEMS A – E**

- F. An Ordinance granting Special Permit No. ZON03-00066, to allow for a planned residential development on a portion of Tract 7B, Block 35, Ysleta Grant and a portion of Tract 2A, U.S. Parcel No. 10, El Paso, El Paso County, Texas (West of Independence Drive and East of Loop 375) pursuant to Section 20.22.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Tropicana Homes, Inc. / Representative: CEA Engineering Group; 2718 Wyoming Avenue, El Paso, TX 79903.
- G. An Ordinance granting Special Permit No. ZON04-00008 to allow for a parking reduction on the property described as Lots 1 and 2, Block 31, Franklin Heights, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Ardovino's Pizza / Representative: C. F. Associates Inc.; 5640 Montana Avenue, Suite D, El Paso, TX 79925
- H. An Ordinance changing the zoning of Lots 1 - 10, Block 13, Hart's Survey No. 9, El Paso, El Paso County, Texas (Northwest corner of Mesa Street and Arizona Avenue) from A-3 (Apartment) to C-1 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Saint Patrick Cathedral / Representative: Mijares-Mora Architects, Inc.; 111 N. Festival Drive, El Paso, TX 79912. ZON04-00029
- I. An Ordinance changing the zoning of Tracts 331 and 332, Sunrise Acres Number One, El Paso, El Paso County, Texas from R-4 (Residential) to R-3A (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Martha E. Peck / Representative: Karma JKS Properties, Inc.; 6236 Quail Avenue, El Paso, TX 79924. ZON04-00035

**PUBLIC HEARING WILL BE HELD ON APRIL 20, 2004 FOR ITEMS F – H**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
\*Motion made, seconded and unanimously carried to postpone two (2) weeks the discussion and action concerning the installation of a multi-way (4-way) stop at the intersection of Parral and La Paz.  
.....

Motion made by Representative Lozano, seconded by Representative Cobos and unanimously carried to postpone four (4) weeks the discussion and action on amending Section 20.02.565 (Parking Space, Off-Street Accessible) to insert a broad provision that allows for an access aisle to be...."marked with diagonal stripes and *any other markings as determined necessary by the Director of Building Permits and Inspections or the Texas Department of Licensing and Regulation, Architectural Barriers Division*". Enforcement of this provision would be applicable in all existing and new parking lots, public and private, from the date of adoption pursuant to Title 12 Vehicles and Traffic, Chapter 12.44 Stopping, Standing and Parking Generally, Section 12.44.180 Regulation Pertaining to Certain Special Situations, and Section 12.44.200 Handicap Parking on Private Property, and Title 20, Zoning, Chapter 20.64 Off Street Parking and Loading Requirements, Section 20.64.060 Directions to Parking Spaces- Locations of Parking Spaces- Location and Direction of Movements Along Driveways, and Section 20.64.100 Maintenance of the El Paso Municipal Code. Violations of any markings instituted pursuant to this amendment will be enforced and will result in citations being issued pursuant to the Texas Transportation Code, Title 7 Vehicles and Traffic Subtitle H Parking, Towing, and Storage of Vehicles, Chapter 681 Privileged Parking, Section 681.010 Enforcement and Section 681.0101 Enforcement by Certain Appointed Persons.

Representative Lozano requested that the City paint "No Parking" language in the parking lot next to handicapped parking spaces. He suggested that property owners paint the letter "P" enclosed in a circle with a line drawn through it. on top of the vertical lines next to handicapped spaces.

Mr. Matt Watson, Assistant City Attorney, provided legal advice.

.....  
**RESOLUTION**

**A RESOLUTION DECLARING THE INTENTION OF THE CITY OF EL PASO, PURSUANT TO INTERNAL REVENUE CODE REGULATION SECTION 1.150-2(e), TO FINANCE CERTAIN EXPENDITURES TO BE INCURRED FOR YEAR 2004 CAPITAL IMPROVEMENTS FROM THE PROCEEDS OF THE SALE OF CITY TAX-EXEMPT OBLIGATIONS. (NEW CLINT CELLS)**

WHEREAS, the City of El Paso, Texas (the "City") is a governmental entity authorized to issue obligations to finance its activities pursuant to the laws of the State of Texas, the interest on which is excludable from gross income for federal income tax purposes ("Tax-Exempt Obligations") pursuant to Section 103 of the United States Internal Revenue Code of 1986, as amended (the "Code"); and,

WHEREAS, the City will make, or has made not more than 60 days prior to the date hereof, payments with respect to the construction, reconstruction, repair, or renovation of the property listed on Exhibit "A" attached hereto; and, (Exhibit on file with this Resolution in the City Clerk's Office).

WHEREAS, the City desires to reimburse itself for the costs associated with the property listed on Exhibit "A" attached hereto from the proceeds of Tax-Exempt Obligations to be issued subsequent to the date hereof; and,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

Section 2. The City reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to a date that is sixty days prior to the date hereof and that are to be paid in connection with the design, construction, reconstruction, repair, renovation, or acquisition of the property listed on Exhibit "A" attached hereto from the proceeds of Tax-Exempt Obligations to be issued subsequent to the date hereof, for the projects identified at Exhibit "A" (Exhibit A on file in the City Clerk's Office).

Section 4. The Mayor is hereby authorized to make any necessary budget appropriations or adjustments to comply with the intent expressed in this resolution.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, provided financial advice and answered questions from and responded to comments made by the Council Members.

Mr. Ed Drusina, Director of Public Works, explained that \$13.6 million would be utilized for the design, construction, contingency funds and the permit for construction of the new Clint landfill cells.

Mr. Jim Martinez, Chief Administrative Officer, provided additional explanation and answered questions from and responded to comments made by the Council Members.

Ms. Lisa Turner, citizen, asked questions regarding the sell of bonds and questioned whether the City would incur any debt.

Mr. Ray Gilbert, citizen, asked financial questions and commented on the City's financial statement.

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to approve the above Resolution.

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to approve Conditional "B" building permits for Tierra Del Este Unit Fourteen Subdivision based on the finding of economic hardship.

Mr. Conrad Conde, representative, requested the Conditional "B" building permits based on a finding of economic hardship.

## RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor and City Council hereby authorizes the Planning, Research and Development Department Director to sign and submit a City-initiated street dedication application for portion of Redd Road Drive that will provide access to a City park known as Valley Creek Park.

Mr. Rudy Valdez, Chief Urban Planner, gave Powerpoint presentation and answered questions from and responded to comments made by the Council Members.

Mr. Matt Watson, Assistant City Attorney, provided legal advice.

Ms. Alisa Jorgenson, citizen, requested that the Resolution be revised to state "for a portion of Gomez Road" and commented on funding issues.

Mr. Ray Gilbert, citizen, commented on Redd Road being part of the bond issuance.

Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to approve the following amendment to the Resolution language to read "an extension of Gomez Road".

Motion made by Representative Austin, seconded by Representative Power and unanimously carried to approve the above Resolution as amended.

.....  
**RESOLUTION**

WHEREAS, Tropicana Homes, Inc., by and through its engineer/representative CEA Engineering, submitted a preliminary plat application for Sunset View Unit 3 on February 17, 2004;

WHEREAS, the Sunset View subdivision herein described includes a portion of Ethel Road, such right-of-way proposed for vacation by Tropicana Homes, Inc. pursuant to vacation application No. SV04003;

WHEREAS, vacation of Ethel Road is discretionary and subject to determination by the El Paso City Council based upon need as well as the health, safety, and welfare of the citizenry;

WHEREAS, Tropicana Homes, Inc. desires to proceed forward with processing of the Sunset View Unit 3 subdivision application, including all portions of Ethel Road included within that application, through final plat processing, in anticipation that Ethel Road will be vacated; and

WHEREAS, Tropicana Homes, Inc. has asked the City of El Paso to sign the plat applications, because of its interest in the public right of way, with the understanding that Tropicana Homes, Inc. proceeds forward at its own risk which includes, but is not limited to the following considerations: 1) any subdivision improvement work done on lands contained within Sunset View Unit 3 done prior to approval of the vacation of Ethel Road is at Tropicana Homes, Inc.'s own risk that City Council will not approve the proposed vacation of Ethel Road and that a new subdivision plat with differing subdivision improvement plans will thus become necessary; 2) approval or denial of any vacation ordinance, including SV04003, is within the discretion of the El Paso City Council; 3) Should SV04003 be denied, the Mayor is not authorized by this resolution to sign a recording plat on behalf of El Paso's ownership interest in Ethel Road; and 4) should SV04003 be denied, Sunset View Unit 3 will require revision to exclude Ethel Road;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign, on behalf of the City of El Paso because of its interest in Ethel Road, preliminary and final plat applications for lands contained within the Sunset View Unit 3 Subdivision as same may be amended or divided, any such amendment or division containing all or part of the portion of Ethel Road now included in the Sunset View Unit 3 preliminary application as more fully described by survey and metes and bounds included as attachment "A" (Attachment "A" is on file in the City Clerk's Office).

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and explained that one half of Ethel Road was undeveloped. He answered questions from and responded to comments made by the Council Members.

Motion made by Representative Austin, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

.....  
**RESOLUTION**

**WHEREAS**, the City Council of the City of El Paso, by Resolution dated March 12, 2002 determined that the competitive sealed proposal method is the project method that provides the best value to the City when entering into a contract for the construction of a facility; and

**WHEREAS**, the selection of a construction contractor for the Plaza Theatre Restoration and Expansion shall be accomplished through the use of the Competitive Sealed Proposal Method; and

**WHEREAS**, certain procedures must be met under state law when selecting a contractor for construction of a facility through competitive sealed proposals; and

**WHEREAS**, the City has followed the required procedures by preparing a request for competitive sealed proposals that includes construction documents, selection criteria used in selecting the successful offeror, estimated budget, project scope, schedule, and other information that contractors may require to respond to the request; and

**WHEREAS**, the City has received, publicly opened, and read aloud the names of the offerors and the prices stated in each proposal and has, no later than the 45<sup>th</sup> day after the date of opening the proposals, evaluated and ranked each proposal submitted in relation to the published selection criteria; and

**WHEREAS**, the City selects Byrne/Arrow, A Joint Venture, as the offeror that offers the best value to the City based on the published selection criteria and on its ranking evaluation; and

**WHEREAS**, the City has successfully negotiated a contract with Byrne/Arrow, A Joint Venture, and has, along with the engineer, discussed with Byrne/Arrow, A Joint Venture options for a scope or time modification and price change associated with the modification.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City of El Paso hereby awards Contract Bid Number 2004-015 Plaza Theatre Restoration and Expansion to Byrne/Arrow, A Joint Venture, in the amount of \$24,889,898.00, as this offeror provides the best value to the City based on the published criteria and on its ranking evaluation; and

**THAT**, the Mayor be authorized to sign the contract referenced above as approved by the City Engineer, Contract Compliance, ECM International Project Manager, and the City Attorney;

**THAT**; the Mayor be authorized to execute budget transfers for this award and project as necessary; and

**THAT**, the City Engineer is hereby authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order and 10% of the original contract price as awarded, without further authorization by City Council.

Mr. Byron Johnson, Director of Purchasing, explained the resolution language and noted that the project would be complete within 18 months.



Motion made by Representative Rojas, seconded by Representative Cobos and carried to approve the above Resolution.

AYES: Representatives Austin, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: Representative Cushing

.....  
Motion made, seconded and unanimously carried to move into executive session of the regular agenda the discussion and action on a request by Ray Mancera, representing David Bingham, on granting of a utility easement on property located at 3500 Pera that has been "struck off" to the City of El Paso. (551.071)

Mr. Ray Mancera, representing property owner, requested that the Council award a five-foot easement to allow the property owner access to the utility connections located adjacent to the alley and answered questions from and responded to comments made by the Council Members.

No action was taken on the discussion and action on a request by Ray Mancera, representing David Bingham, on granting of a utility easement on property located at 3500 Pera that has been "struck off" to the City of El Paso.

.....  
**ORDINANCE 15721**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CREATING TAX INCREMENT FINANCING DISTRICT NUMBER FOUR (NO. 4), CITY OF EL PASO (50 ACRE SITE ON THE SOUTHEAST CORNER OF VISCOUNT AND HAWKINS BLVD.); MAKING FINDINGS OF FACT CONCERNING THE CONDITIONS OF BLIGHT, RESIDENTIAL PROPERTY AND ASSESSED VALUATION WITHIN SAID DISTRICT; CREATING A TAX INCREMENT DISTRICT BOARD OF DIRECTORS AND DEFINING THE POWERS, DUTIES AND TERMS OF OFFICE THEREOF; PROVIDING FOR SUBMISSION OF A PLAN OF IMPROVEMENTS FOR SAID DISTRICT; PROVIDING FOR DUTIES OF THE TAX ASSESSOR; SETTING THE BOUNDARIES FOR SAID DISTRICT; AND PROVIDING A SEVERABILITY CLAUSE.**

The following members of City staff made comments and/or recommendations:

Ms. Sylvia Borunda-Firth, Assistant City Attorney, requested that the Council satisfy the legal requirements of the Public Hearing to include further public discussion at a regularly filed City Council meeting and that the Council make one of the following determinations pertaining to TIF District 4 during the Motion to approve or disapprove the Ordinance:

- 1. that the redevelopment would not occur solely through private investments;
- 2. that the improvements in the zone would significantly enhance the value of all taxable property in the zone and be of general benefit to the community; or
- 3. that the area to be redeveloped meets the definition of blight (as contained in the Tax Code or commonly used by the City of El Paso when making a determination for HUD projects, etc.)

Ms. Borunda-Firth commented on the formation of the TIF Board of Directors and the dissemination of information to other taxing entities. She answered questions from and responded to comments made by the Council Members.

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation (on file in the City Clerk's office) regarding TIF District 4 and answered questions from and responded to comments made by the Council Members.

Ms. Patricia Adauto, Deputy CAO for Building and Planning Services, clarified that PCF (Physical Condition Factor) ratings were designated by the Central Appraisal District for the evaluation of buildings for tax

appraisal purposes. She answered questions from and responded to comments made by the Council Members.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, provided financial information and answered questions from and responded to comments made by the Council Members.

Mr. Adrian Ocegueda, Executive Assistant to the Mayor, explained that the El Paso Community College and the County of El Paso chose not to participate in TIF District 4 at this time. He answered questions from and responded to comments made by the Council Members.

Mr. David Dobson, Economic Development Director, spoke of the great potential and positive impact TIF District 4 would have on the community and stressed that the issue before the Council was the creation of the TIF District. He answered questions from and responded to comments made by the Council Members.

Ms. Lisa Turner, citizen, commented on the existing traffic hazards in and around the area proposed for TIF District 4 and commented on the number of voters, during the last election, who were not in support of the Towne Centre. She questioned how monies would be managed if taxing entities "opted out" and who would pay for the Towne Centre if incremental receipts fell below the projected amount to pay for the bonds. She questioned if an impact study had been conducted as to what affect the Towne Centre's would have on surrounding businesses such as Cielo Vista Mall.

Mr. Chapman responded to questions proposed by Ms. Turner.

Ms. Risher Gilbert, attorney representing The Simon Property Group, requested that the Council Members not approve the Ordinance for TIF District 4 and she provided documentation substantiating her request. She provided a handout for Council Members explaining the manner in which The Simon Property Group oversees future projects. She answered questions from and responded to comments made by the Council Members.

Mr. Bill Hammer, representing The Simon Property Group, clarified that The Simon Property Group continually invests in its properties and requested that the developer disclose further information prior to the Council Members making their determination.

Mr. Gary Sapp, attorney representing HBC Land Ltd. Partners, a subsidiary of Hunt Building Corporation, requested that the Council Members take no action on the Ordinance creating the TIF District unless the Council Members could verify that the Towne Centre project would benefit the entire community. He answered questions from and responded to comments made by the Council Members.

Mr. Ray Gilbert, citizen, stated that he was opposed to subsidizing retail with tax dollars. He was opposed to the Council taking action on the Ordinance without having "all the ducks in a row".

Mr. Dick Grego, representing Fortis DeBartolo Group, stated that the Ordinance approving TIF District 4 would allow the developer to provide the necessary tools to assist in the City's progress.

Mr. Mike Hudson, representing Artemio de la Vega, Las Palmas Marketplace, commented that prior to the creation of a TIF District, a preliminary financing plan must be adopted and provided to all other taxing entities, and than in this case, that requirement had not been satisfied.

Ms. Richarda Duffy Momsen, Municipal Clerk, closed the public hearing.

Representative Austin moved to postpone the Ordinance for eight (8) weeks. Representative Cushing seconded.

AYES: Representatives Austin, Cushing, Escobar, and Rojas  
NAYS: Representatives Lozano, Cook, Power, Cobos, and Mayor Wardy

Mayor Wardy broke the tie voting NAY to the eight (8) week postponement.

Motion made by Representative Cobos to amend Section 9.1 of the Ordinance to read: "The Board of Directors of Tax Increment Finance Number 4 shall be composed of nine members, three appointed by El Paso County, one by the El Paso Community College, the remaining five members shall be appointed by the Mayor, approved by the El Paso City Council." Seconded by Representative Lozano.

Ms. Borunda-Firth read into the record the following revision: "The Board of Directors of Tax Increment Finance District Number 4 shall be composed of nine members, one each appointed by the El Paso County, El Paso Independent School District, El Paso County Hospital District, and El Paso Community College, the remaining members shall be appointed by the Mayor of the City of El Paso and confirmed by the City Council. In the event the El Paso Independent School District and the El Paso County Hospital District waive participation in the Board, the County shall be allowed to appoint two additional members and the City of El Paso may appoint one additional member."

AYES: Representatives Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas, and Cobos

Representative Cobos questioned language contained in Section 9.3 to which Ms. Borunda-Firth provided legal advice.

Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to amend Section 6 to read as follows: ...., redevelopment of the property will not occur solely through private investment, ....

AYES: Representatives Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas, and Cobos

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Lozano, seconded by Representative Cobos, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lozano, Cook, Power, and Cobos  
NAYS: Council Members Austin, Cushing, Escobar, Rojas, and Mayor Wardy  
ABSENT: None

Mayor Wardy voted AYE to break the tie to approve the amended Ordinance.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15722**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.180 (NO STOPPING OR STANDING - TOW-AWAY ZONE), SUBSECTION (A) OF THE EL PASO MUNICIPAL CODE, BY ADDING A LOCATION ON BOB HOPE DRIVE.**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, provided explanation and noted the Department had not received any opposition to the case.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15723**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN FOR THE CITY ON BEHALF OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD, A SPECIAL WARRANTY DEED WITH EASEMENT CONVEYING TO THE EL PASO HUMANE SOCIETY, INC., A 4-ACRE TRACT OF LAND UNDER THE JURISDICTION OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD, BEING A PORTION OF SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS LOCATED ON FRED WILSON ROAD NEAR JEB STUART ROAD, EL PASO, EL PASO COUNTY, TEXAS.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....

**ORDINANCE 15724**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 7913, WHICH AUTHORIZED THE CITY OF EL PASO TO ENTER INTO A LEASE AGREEMENT WITH EL PASO REHABILITATION CENTER, FOR THE PURPOSE OF AMENDING THE TERMS OF THE LEASE AGREEMENT.**

Mr. Gonzalo Cedillos, Municipal Services, explained the terms of the Lease Agreement.

Mr. Jaime Barcelon, El Paso Rehabilitation Center, answered questions from and responded to comments made by the Council Members and explained that the El Paso Rehabilitation Center was a non-profit organization helping children with disabilities.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Council Member Power was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

**ORDINANCE 15725**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS AND RECREATION AREAS), SECTION 13.24.200 (RENTAL RATES AND USER FEES AUTHORIZATION) OF THE EL PASO MUNICIPAL CODE TO AUTHORIZE THE DIRECTOR OF THE CITY PARKS AND RECREATION DEPARTMENT TO SIGN AGREEMENTS PROVIDING FOR RENTAL OF CITY PARKS AND RECREATION AREAS.**

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to close the public hearing. Representative Power was not present for the vote.

Motion duly made by Representative Lozano, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Council Member Power was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

## **ORDINANCE 15726**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 9 - 11, BLOCK 109, MORNINGSIDE HEIGHTS, EL PASO, EL PASO COUNTY, TEXAS (3927 TRUMAN AVENUE) FROM A-2 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, stated that the Planning, Research and Development Department had received one letter in opposition to the zoning change request.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Lozano, Cook, Escobar and Cobos
NAYS:	None
Absent:	None

Council Members Power and Rojas were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

## **ORDINANCE 15727**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 6A, BLOCK 1, YSLETA GRANT AND TRACT 17B, BLOCK 5, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (NORTH LOOP DRIVE SOUTHEAST OF BORDEAUX DRIVE) FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and explained that the zoning change request was for a funeral home. He noted that the CPC (City Plan Commission) had approved the zoning change request with the condition that a Site Development Plan be submitted.

Mr. David Karns, representing the applicant, stated that he was opposed to the Site Development Plan as it was more costly and delayed the project's progression.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Escobar, seconded by Representative Cushing, that the Ordinance be adopted to include the recommendation made by the City Plan Commission. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS:	None
Absent:	None

Council Member Power was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. ZON04-00020, FOR PORTION OF LOT 1, BLOCK 5, MESA HILLS PLAZA, EL PASO, EL PASO COUNTY, TEXAS (5450 HURD PLACE), PURSUANT TO A CONTRACT CONDITION.**

WHEREAS, **BRYAN DUNCAN** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a contract condition to permit the construction and development of a office buildings; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to a contract condition the City Council hereby approves the detailed site development plan submitted by the Applicants, to permit the construction and development of a office buildings on the following described property which is located in a C-4/sc (Commercial/special contract) District:

*Portion of Lot 1, Block 5, Mesa Hills Plaza, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached and incorporated Exhibit "A"; and municipally numbered as 5450 Hurd Place. (Exhibit on file with this Resolution in the City Clerk's Office).*

A copy of the approved detailed site development plan, signed by the Applicants, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-4/sc (Commercial/special contract) District** regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-4/sc (Commercial/special contract) and ZON04-00020 District regulations**. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Mr. George G. Sarmiento, Director of Planning, Research and Development, noted that the Planning, Research and Development Department had not received any opposition or support of the project; however, added that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

Representative Power was not present for the vote.

.....  
**RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. ZON04-00021, FOR LOT 2, BLOCK 4, WEST TEN DEVELOPMENT, EL PASO, EL PASO COUNTY, TEXAS (7510 REMCON CIRCLE), PURSUANT TO A CONTRACT CONDITION.**

WHEREAS, **BOB JONES** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a contract condition to permit the construction and development of a office and commercial buildings; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. Pursuant to a contract condition, the City Council hereby approves the detailed site development plan submitted by the Applicants, to permit the construction and development of a office and commercial buildings on the following described property which is located in a C-3/sc (Commercial/special contract) District:

*Lot 2, Block 4, West Ten Development, El Paso, El Paso County, Texas, and municipally numbered as 7510 Remcon Circle.*

A copy of the approved detailed site development plan, signed by the Applicants, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-3/sc (Commercial/special contract) District** regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-3/sc (Commercial/special contract) and ZON04-00021 District regulations**. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.



Mr. George G. Sarmiento, Director of Planning, Research and Development, noted that the Planning, Research and Development Department had not received any opposition or support of the project; however, added that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Austin, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Representative Power was not present for the vote.

.....  
\*Motion made, seconded and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 3303 Frutas Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Margarita Alvarez, 3544 East Glen Drive, #B, El Paso, Texas 79936, has been notified of the violations at this property. Delinquent taxes in the amount of \$6,160.16.  
.....

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structures located on the property at 10217 Shipley Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 17 plus the East 2 feet of Lot 18, Block 50, Scotsdale 4 Unit 3, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 26, Page 1, Plat Records of El Paso County, Texas

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Luvania L. Nunez, 10000 Honolulu Drive, El Paso, Texas 79925, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on March 2<sup>nd</sup>, 2004 which was postponed to March 30<sup>th</sup>, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structures are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- c. The main structure's certificate of occupancy is hereby revoked; and
- d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.

2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the owner provide Building Permits and Inspections with detailed plans for the buildings reconstruction and obtain the required permit within 30 days; and
  - b. That the owner reconstruct the building to comply with the City's Building Codes within 120 days; and
  - c. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - d. That the Owner of said building is hereby ordered to comply with all requirements of the Resolution; and
  - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the buildings and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Buildings and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with demolishing the buildings and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and

9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s). He answered questions from and responded to comments made by Representative Lozano.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Lozano, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Representative Power was not present for the vote.

.....  
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 100 Anita Circle in El Paso, Texas, which property is more particularly described as follows:

Lot: 54, Corbin's Replat

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Vincenta Calderon, 100 Anita Circle, El Paso, Texas 79905, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on March 30<sup>th</sup>, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located at the front of said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and

- c. The structure's certificate of occupancy is hereby revoked; and
- d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.

2. That the City Council hereby orders Owner to comply with the following requirements:

- a. That the front Building be demolished within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with demolishing the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
- a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and

8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s). He answered questions from and responded to comments made by Representative Lozano.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

Representative Power was not present for the vote.

#### RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 4007 Tyler Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 11 and 12, Block 57, Amended Map of Morningside Heights Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 11, Page 33, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Carmen Mendoza, C/O I. H. S. of El Paso, 2301 N. Oregon Street, El Paso, Texas 79902, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on March 30<sup>th</sup>, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.

2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the Building be demolished within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with the demolition of the Building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolition of the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and

7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

Representative Power was not present for the vote.

#### **ADDITION TO THE AGENDA**

No action was taken on the update on the initiative for Bilingual Development and Social Enterprise presented to the City Council on September 23, 2004 by La Mujer Obrera and El Puente Community Development Corporation. [Irma Montoya, La Mujer Obrera – El Puente CDC]

Ms. Irma Montoya, La Mujer Obrera, spoke in Spanish, Ms. Lorena Andrade, interpreted. Ms. Montoya responded to questions from Representatives Lozano, Austin and Power.

Representative Cobos requested that the City Attorney's office draft a Resolution creating an Advisory Board.

\*Motion made, seconded and unanimously carried to appoint Andrew M. Pena, Sr. to the Civil Service Commission by Mayor Joe Wardy.

\*Motion made, seconded and unanimously carried to appoint Velma A. Perez to the El Paso Public Arts Commission by Representative Vivian Rojas, District 7.

Motion made, seconded and unanimously carried to move to the regular agenda the request for authorization for use of the District 3 Discretionary Funds for a Speed Hump at 7928 Rodeo for \$2,245.00.

Motion made by Representative Lozano, seconded by Representative Escobar and unanimously carried to approve the request for authorization for use of the District 3 Discretionary Funds for a Speed Hump at 7928 Rodeo for \$2,245.00.

Representative Power was not present for the vote.

.....  
No action was taken on the presentation by the Boys and Girls Club of El Paso to Council Members.

Representative from the Boys and Girls Clubs of El Paso presented lapel pins for the Council Members and highlighted accomplishments of the Boys and Girls Clubs of El Paso.

.....  
Motion made, seconded and unanimously carried to move to executive session of the regular agenda the discussion and action on the property at 11510 Cheryl Ladd Dr., to include whether or not an emergency situation exists; erection of a fence; and the approval of District No. 6 discretionary funds--not to exceed \$5,000.00--for the fence.

Representative Escobar explained that the City had sent correspondence to the property owner requesting that a fence be erected around the property and noted that mercury, hypodermic needles and broken glass had been found. He stated that a tax suit would be heard in April and requested that "no continuance" be given to that case.

Mr. John Lyons, citizen, requested that the City Council erect an 8 to 9 foot high fence around the property to protect the neighboring children from the hazardous materials. He answered questions from and responded to comments made by the Council Members.

Ms. Lisa A. Elizondo, City Attorney, requested that further discussions be held in Executive Session.

Ms. Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, provided legal advice regarding the delinquent taxes.

Mr. Jim Martinez, Chief Administrative Officer, provided funding options for the Council Members consideration.

Mr. Ed Drusina, Director of Public Works, explained that the cost to clean the property was estimated in 1999 to be \$2.3 million.

Messrs. Lyon and Robert Barragan thanked the Council.

Motion made by Representative Escobar, seconded by Representative Rojas and unanimously carried that a public nuisance exists and that District 6 be given authorization to spend up to \$5,000 in the erection of a fence fronting Cheryl Ladd property.

Representatives Austin, Cushing, and Power were not present for the vote.

.....  
\*Motion made, seconded and unanimously carried to postpone three (3) weeks the discussion and action on entering into a pilot recycling program with Nortoner to collect, remove and transport, or dispose of the City's empty toner, fax, inkjet and photocopier cartridges through the setting up of collection containers in diverse locations in El Paso. This pilot program would serve a public purpose by providing a recycling opportunity after the recent public concerns regarding the lack of recycling efforts by the City of El Paso; any monies generated from this recycling effort are considered public funds; and the collections would fall within the legal requirements of a \$3,000.00 limit without calling for competitive bidding, as defined by Legal.  
.....



\*Motion made, seconded and unanimously carried to delete the discussion and action instructing the El Paso Police Department's to stop the practice of performing Bridge Checks at the International Bridge downtown because it is being perceived as a retaliatory action by the people from Juarez, Chihuahua. This practice damage our image on Border Relations. Our brothers and sisters from Mexico crossing the bridge are being checked twice.

.....  
Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to award Bid No. 2004-074 Clint Landfill Phase I, Cells 1 and 2

Contractor:	J. D. Abrams, LP		
	Austin, TX		
Department:	Solid Waste Management		
Funds Available:	31260001/PPWFA03019/60636/508027		
Funding Source:	Revenue Bond		
Items:	Base Bid I	\$2,870,450.00	
	Base Bid IA	\$ 3,300.00	
	Base Bid II	\$ 46,000.00	
	Base Bid III	\$ 47,000.00	
Total Award:		\$2,966,750.00	

Recommendation:

The Departments of Purchasing, Engineering, and Solid Waste Management recommend the award of this contract to J. D. Abrams, LP, the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Representative Cushing asked questions of Mr. Ed Drusina, Director of Public Works, regarding the funding to construct Cells 1 and 2 for the new Clint landfill. Mr. Drusina explained that the monies would be utilized for a water well, radiation detection and a Texas Commission on Environmental Quality screening pad.

Ms. Lisa Turner, citizen, questioned the manner in which the funding would be utilized.

Representative Power was not present for the vote.

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week the following executive session item:  
Petition of El Paso Electric Company to Reconcile Fuel Costs; PUC Docket 26194; SOAH Docket No. 473-03-0278. (551.071)  
.....

Motion made by Representative Escobar, seconded by Representative Rojas and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 3:07 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following:

- Section 551.071      CONSULTATION WITH ATTORNEY
- Section 551.072      DELIBERATION REGARDING REAL PROPERTY
- Section 551.073      DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074      PERSONNEL MATTERS
- Section 551.076      DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087      DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

- 37A.**      Jesus Luna, 03-C-123.      (551.071)
- 37C.**      Socorro Gomez, et al vs. The City of El Paso, et al, Cause No. EP-03-CA-0273, Our File No. 03-S-29. (551.071)
- 37D.**      Otilia Hart, 03-C-264. (551.071)
- 37E.**      Bashar Abugalyon v. City of El Paso, Cause No. EP-03-CV-515. (551.071)
- 29.**      Discussion and action on a request by Ray Mancera, representing David Bingham, on granting of a utility easement on property located at 3500 Pera that has been "struck off" to the City of El Paso. (551.071)
- ADDN 5B.**      Discussion and action on the property at 11510 Cheryl Ladd Dr., to include whether or not an emergency situation exists; erection of a fence; and the approval of District No. 6 discretionary funds--not to exceed \$5,000.00--for the fence. (551.071)
- 1.**      Discussion and action regarding the City's do nothing attitude toward the widespread corruption and abuse at the Police Department and the three Courts of Inquiry now pending. [Theresa Caballero, Stuart Leeds, Hollebeke Family] (551.071)

Motion made by Representative Austin, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session at 3:58 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Representative Power was not present for the vote.

.....  
Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried that the claim entitled **JESUS LUNA; Our File No. 03-C-123** be **DENIED** as recommended by the City Attorney.

Representatives Cushing and Power were not present for the vote.

Mr. Jesus Luna, citizen, gave background information regarding his lawsuit and requested that the Council initiate a Citizen's Review Board to review citizen complaints filed against the El Paso Police Department. He answered questions from and responded to comments made by the Council Members. He provided a copy of digital photographs showing his alleged injuries.

.....  
Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **SOCORRO GOMEZ vs. CITY OF EL PASO, et al; EP-03-CA-0273; Our File No. 03-S-29**, as recommended by the City Attorney.

Representatives Austin, Cushing and Power were not present for the vote.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the claim entitled **Otilia Hart; Our File No. 03-C-264** be **DENIED** as recommended by the City Attorney.

Representatives Austin, Cushing and Power were not present for the vote.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to postpone one (1) week the following executive session item:

Bashar Abugalyon v. City of El Paso, Cause No. EP-03-CV-515. (551.071)

Representatives Austin, Cushing and Power were not present for the vote.

No action was taken on the discussion and action on a request by Ray Mancera, representing David Bingham, on granting of a utility easement on property located at 3500 Pera that has been "struck off" to the City of El Paso.

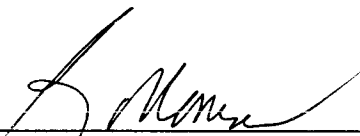
Motion made by Representative Escobar, seconded by Representative Rojas and unanimously carried that a public nuisance exists and that District 6 be given authorization to spend up to \$5,000 in the erection of a fence fronting Cheryl Ladd property.

Representatives Austin, Cushing, and Power were not present for the vote.

No action was taken on the discussion and action regarding the City's do nothing attitude toward the widespread corruption and abuse at the Police Department and the three Courts of Inquiry now pending. [Theresa Caballero, Stuart Leeds, Hollebeke Family]

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 4:20 p.m.

APPROVED AS TO CONTENT:

  
Richarda Duffy Momsen, City Clerk